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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/368,433	08/05/1999	ROBERT ALAN FLAVIN	YO998-205	5521

21254 7590 10/03/2005

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EXAMINER

HUYNH, SON P

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/368,433

Applicant(s)

FLAVIN, ROBERT ALAN

Examiner

Son P. Huynh

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed:
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 August 1999 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed July 20, 2005 have been fully considered but they are not persuasive.

Regarding Double Patenting Rejection:

Applicant argues, "the patent claims teach that the announcements must be created by a party other than the broadcaster of the one or more content streams. In contrast, the claims of the present application do not require that the announcements be created by a third party. Thus, the patent claims do not teach that the announcements have to be created by a third party" (page 6, paragraph 3).

In response, It seems that applicant contradicts himself regarding the above argument because applicant argues, "the patent claims teach that the announcements must be created by a party other than the broadcaster of the one or more content streams." and then concludes, "Thus, the patent claims do not teach that the announcements have to be created by a third party."

It is noted that claim 1 in the present application is broader in scope than Patent claim 1 because the claim 1 of present application does not specifically include nor exclude that "the announcement be created by a third party."

In addition, Patent claim 1, lines 8-11, recites one or more announcement was selectively added by a party other than the broadcaster correspond to the claimed feature of "one or more announcements was created by a party other than a broadcaster" of instant claim 1.

With respect to claim 18-30, the patent claim recites "...said one or more announcements being selectively added to said signal by any of a broadcaster of said signal and a party other than said broadcaster..." (patent claim 1, lines 8-11).

The instant claims 18-30 require that the announcement be provided by a first communication connection that is separate from a second communication connection."

It is noted that patent claim is broader than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify Patent claim to be more specific in order to obtain the instant claims 18-30.

Regarding Prior Art rejections, Applicant argues none of the applied references teaches or suggests the feature of "alternating a presentation of the content stream" (page 16, paragraph 2) for example, new dependent claims 31-36, alter the presentation of a content stream comprises one of turning the sound on or off of a presentation device, turning the picture on or off of a presentation device, changing channel of the presentation device, starting or stopping a recording of the content stream (page 16, paragraph 3).

In response, this argument is respectfully traversed. Logan discloses modifying the stored signal of content stream by filtering/removing/modifying particular segment of content stream such as audio track, commercial portion, etc. based on user preferences (col. 2, lines 39-62; col. 3, lines 1-40). Logan further discloses a video monitor (32 – figures 1-3) for displayed the modified broadcast programming signal such as presenting the broadcast programming without the accompanying audio track (col. 2, lines 39-46) or presenting the broadcast programming with alternative audio track (col. 7, line 1-col. 8, line 59). Thus, the claimed feature of “alternating a presentation of the content stream” is broadly met by alternating a presentation of the broadcast programming stream, based on the user preferences (user preferred topics), with alternative segment, without audio track, or with a banner, or a window that displays stock prices, sport score, etc. along with the broadcast signal (col. 8, lines 45-49; col. 9, lines 7-34), wherein feature of “alter the presentation of a content stream comprises one of turning the sound on or off of the presentation device, turning the picture...” is broadly met by presenting the broadcast programming signal based on modified broadcast programming signal. For example, since the broadcast stream is presented without audio track, the sound off of the presentation device is turned off.

Furthermore, Menard also discloses presentation comprises turning the sound/picture of a presentation device (alerts – figures 5-6), or starting a recording operation (col. 5, lines 12-19).

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In response to applicant's argument that there is no suggestion to combine the references (page 19, lines 12-13), the examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Logan discloses a system for monitoring broadcast signal, which comprises video content, audio content and other content to identify program content of interest to the user (based on user preferred topics), a database (18, 60) for storing data representative of the program content such as start time, topics, etc. (figure 3, col. 9, lines 1-35), comparing characteristics of segments to the segment identification signals to identify the segment to be deleted, modified (col. 9, lines 52-67); a video monitor (32 – figure 3) for displaying the received broadcast programming signal. Logan also discloses an IBM PC compatible computer workstation executes a computer program that configures the workstation into the editing station 42 (col. 7, lines 1-10). However, Logan does not specifically disclose an electronic signal processor includes video image processor that queries by image content.

Menard also discloses a system for monitoring broadcast signal, which comprises video content, audio content and other content to identify program content of interest to the user (based on user profile), a database (18,20) for storing data representative of the program content (figure 2, col. 5, lines 41-67), comparing

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characteristics of segments to the segment identification signals to identify the selected segment (col. 3, lines 40-65); a video monitor (3-5 – figure 1) for displaying the received broadcast programming signal. Menard further discloses capture devices comprises capture software for capturing the images (video, closed caption) and if the captured data matches the stored data, the receiver receives an alert (figures 1 and 5).

Necessarily, the system comprises an electronic signal processor includes video image processor (i.e., video capture software, closed caption capture software, etc.) that queries by image content (i.e., image, keyword of closed caption) so that the image is identified. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan to use the teaching as taught by Menard in order to capture the data automatically thereby reduce labor cost at the edition station, and furthermore, quickly notice an interest image/event (col. 1, lines 24-36).

For the reasons given above, the double patenting rejection is maintained as discussed below.

Double Patenting

2. Claims 1, 5-6, 11-13 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1, 3-7 of U.S. Patent No. 6,005,603 (hereinafter referred to as '603), and in view of Kwoh (US 6,115,057).

Regarding claim 1, claim 1 of '603 recites a segment announcement receiver comprising: a receiver section for receiving a signal; one or more announcements carried on the signal, the announcement containing:

- a description about one or more of the content streams;
- a time at which the content stream is received on the carrier signal, and
- a content stream identifier, the one or more announcements being selectively added to the signal by a party other than a broadcaster of the stream; and
- a controller that performs a function determined by the description and the time.

Inherently, the announcement is not received via the broadcaster (added to signal by a party other than the broadcaster of the signal). It is obvious that the one or more announcements correspond to a content being provided on the one or more content stream in order to provide information of the content stream. However, claim 1 of '603 does not recites a controller that compares the one or more announcements to a filter record and that alters a presentation when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such as parent can enter rating level, programs identifier, channels, time, length, etc. of program to be blocked. The entered information is stored in RAM 84 in command controller 36 of parental control device 40. Program video signals and announcements

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(rating data, program identifier, data packets, etc.) are received via signal source input

39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

Regarding claim 2, the patent claim 1 recites "the announcement containing a description about one or more of the content stream," – lines 5-6. Thus, the description includes a content description.

Instant claim 3 requires "the segment announcement section receiver comprises any one or more of the following: a television, a radio, a closed section television, a video recorder, and a computer." The patent claim 1 recites, "a receiver section for receiving a signal;" It is noted that the patent claim is broader in scope than the instant claim. Thus,

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it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 3.

As to claim 4 requires "said presentation is by any one or more of the following: a television, a radio, a closed circuit television, a video recorder, and a computer." The patent claim 1 recites, "a receiver section for receiving a signal;" It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 4.

Instant claim 14 requires a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation." The patent claim 1 recites, "a receiver section for receiving a signal....a controller that performs a function determined by the description and the time" (lines 2-13). It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 14.

With respect to claim 18, 24-30, the patent claim recites "...said one or more announcements being selectively added to said signal by any of a broadcaster of said signal and a party other than said broadcaster..." (patent claim 1, lines 8-11).

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The instant claims 18, 24-30 require that the announcement be provided by a first communication connection that is separate from a second communication connection.”

It is noted that patent claim is broader than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify Patent claim to be more specific in order to obtain the instant claims 18,24-30.

Allowance of claims 1-4, 14, 18, 24-30 would result in an un-warranted timewise extension of the monopoly granted for the invention as defined in claim 1 of patent number 6,005,603. Therefore, the double patenting rejection is justified.

Regarding claim 5, claim 3 of '603 recites a segment announcement receiver comprising:

a first receiver section for receiving one or more content streams on a content carrier signal;

a second receiver section for receiving one or more announcements, each of the announcements containing a description about one or more content streams, a time at which the content stream is received by the first receiver section, and a content stream identifier, and

a controller that performs a function in a signal processing device determined by the description and the time, wherein one or more announcements being selectively added to the signal by a party other than a broadcaster of the stream. Inherently, the announcement is not received via the broadcaster (added to signal by a party other than

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the broadcaster of the signal). It is obvious that the one or more announcements correspond to a content being provided on the one or more content stream in order to provide information of the content stream. However, claim 3 of '603 does not recites a controller that compares the one or more announcements to a filter record and that alters a presentation when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such as parent can enter rating level, programs identifier, channels, time, length, etc. of program to be blocked. The entered information is stored in RAM 84 in command controller 36 of parental control device 40. Program video signals and announcements (rating data, program identifier, data packets, etc.) are received via signal source input 39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to use

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the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

Instant claim 15 requires a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation."

The patent claim 3 recites, "a first receiver section for receiving one or more content streams on a content carrier signal....a controller that performs a function in signal processing device determined by the description and the time" (lines 2-13). It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 15.

With respect to claim 19, the patent claim 3 recites "a first receiver section for receiving one or more content stream...; a second receiver section for receiving one or more announcement...said one or more announcements being selectively added to said signal by any of a broadcaster of said signal and a party other than said broadcaster..." (patent claim 3, lines 2-17). Thus, it would have been obvious to one of ordinary skill in the art to modify Patent claim to be more specific in order to obtain the instant claims 19.

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Allowance of claims 5,15,19 would result in an un-warranted timewise extension of the monopoly granted for the invention as defined in claim 3 of patent number 6,005,603.

Therefore, the double patenting rejection is justified.

Regarding claim 6, claim 4 of '603 recites a segment announcement system comprising:

an analyzer that analyzes a content of one or more content streams;

an announcement generator that creates one or more announcements containing a description about one or more of the content streams; and

a transmitter section that sends the announcement to one or more receivers, the one or more announcements being selectively added to the signal by a party other than a

broadcaster of the content streams. Inherently, the announcement is not received via the broadcaster (added to signal by a party other than the broadcaster of the signal). It

is obvious that the receivers comprises a controller that alters a presentation of the one or more content streams in accordance with the description and the time from a

corresponding announcement in order to change the presentation in accordance with

the description and time created by the party. However, claim 4 of '603 does not recites

a controller that compares the one or more announcements to a filter record and that

alters a presentation when the comparison of the one or more announcement to the

filter record indicates a correspondence between the one or more announcements and

the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such

as parent can enter rating level, programs identifier, channels, time, length, etc. of

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program to be blocked. The entered information is stored in RAM 84 in command controller 36 of parental control device 40. Program video signals and announcements (rating data, program identifier, data packets, etc.) are received via signal source input 39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

Instant claim 7 requires "the analyzer comprises one or more of the following: a person, a group of people, and an electronic signal processor;" the patent claim 4 recites an "analyzer that analyzes a content of one or more content stream;" lines 2-3. It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 7.

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Instant claim 8 requires "electronic signal processor includes any or more of the following: a brightness detection device, and video image process that queries by image content;" the patent claim 4 recites an "analyzer that analyzes a content of one or more content stream;" lines 2-3. It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 8.

Instant claim 9 requires "the announcement comprises time associated with the content". The patent claim 4 recites an "the announcement comprises description about one or more of the content streams" –lines 4-6). It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 9.

Instant claim 10 requires "the announcement comprises a content identifier;" the patent claim 4 recites an "the announcement comprises description about one or more of the content streams" –lines 4-6). It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 10.

Instant claim 16 requires a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation."

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The patent claim 4 recites sending announcement that contain description to one or more receivers (lines 4-11). It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 16.

With respect to claim 20, the patent claim 4 recites "...said one or more announcements being selectively added to said signal by any of a broadcaster of said signal and a party other than said broadcaster..." (patent claim 4, lines 8-11). Thus, it would have been obvious to one of ordinary skill in the art to modify Patent claim to be more specific in order to obtain the instant claims 20.

Allowance of claims 6-10, 16, 20 would result in an un-warranted timewise extension of the monopoly granted for the invention as defined in claim 4 of patent number 6,005,603. Therefore, the double patenting rejection is justified.

Regarding claim 11, claim 5 of '603 recites a closed circuit transmission system comprising:

one or more segment announcer system comprising:

an analyzer that analyzes a content of one or more content streams;

an announcement generator that creates one or more announcements containing description about one or more of the content streams and a time associated with the content stream;

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a transmitter section that sends the announcement over a communication network; and
one or more segment announcement receivers comprising:

a receiver section for receiving the announcement and the content stream;

a controller that performs a function determined by the description and the time.

Inherently, the announcement is not received via the broadcaster (added in the signal by a party other than the broadcaster of the signal). However, claim 5 of '603 does not recites a controller that compares the one or more announcements to a filter record and that alters a presentation when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such as parent can enter rating level, programs identifier, channels, time, length, etc. of program to be blocked. The entered information is stored in RAM 84 in command controller 36 of parental control device 40. Program video signals and announcements (rating data, program identifier, data packets, etc.) are received via signal source input 39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for

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altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

Instant claim 17 requires a presenting section for presenting said content stream, wherein said controller controls said presenting section to alter said presentation."

The patent claim 5 recites, "... a receiver section for receiving a signal....a controller that performs a function determined by the description and the time" (lines 11-24). It is noted that the patent claim is broader in scope than the instant claim. Thus, it would have been obvious to one of ordinary skill in the art to modify the patent claim to be more specific in order to obtain the instant claim 17.

With respect to claim 21, the patent claim 5 recites "... a receiver section for receiving a signal....a controller that performs a function determined by the description and the time....said one or more announcements being selectively added to said signal by any of a broadcaster of said signal and a party other than said broadcaster..." (patent claim 5, lines 11-27). Thus, it would have been obvious to one of ordinary skill in the art to modify Patent claim to be more specific in order to obtain the instant claims 21.

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Allowance of claims 11,17,21 would result in an un-warranted timewise extension of the monopoly granted for the invention as defined in claim 5 of patent number 6,005,603.

Therefore, the double patenting rejection is justified.

Regarding claim 12, claim 6 of '603 recites a process comprising:

receiving one or more content streams,

receiving one or more announcements having one or more description about the content of one or more of the content stream, the one or more announcements being selectively added to a content stream by a party other than a broadcaster of the content stream;

matching one or more of the descriptions to one or more of the content streams; and performing a function during the processing of one of the content streams if the content stream being processed matches one or more of the descriptions. Inherently, the announcement is not received via the broadcaster (added to signal by a party other than the broadcaster of the signal). However, claim 6 of '603 does not recites a controller that compares the one or more announcements to a filter record and that alters a presentation when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

Kwoh discloses a system comprises parental control device 40. Authorized user such as parent can enter rating level, programs identifier, channels, time, length, etc. of program to be blocked. The entered information is stored in RAM 84 in command

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controller 36 of parental control device 40. Program video signals and announcements (rating data, program identifier, data packets, etc.) are received via signal source input 39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

With respect to claim 22, the patent claim 6 recites “... receiving one or more streams.....said one or more announcements being selectively added to said signal by any of a broadcaster of said signal and a party other than said broadcaster...” (patent claim 6, lines 2-9). Thus, it would have been obvious to one of ordinary skill in the art to modify Patent claim to be more specific in order to obtain the instant claims 21.

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Allowance of claims 12,22 would result in an un-warranted timewise extension of the monopoly granted for the invention as defined in claim 6 of patent number 6,005,603.

Therefore, the double patenting rejection is justified.

Regarding claim 13, claim 7 of '603 recites a segment announcement receiver comprising:

means for receiving one or more announcement having one or more descriptions about the content of one or more of the content streams, the one or more announcements being selectively added to a content stream by a party other than a broadcaster of the content stream;

means for receiving one or more content streams;

means for matching the description of the content; and

means for performing a function during the processing of one of the content streams if the content stream being processed matches one or more of the description. Inherently, the announcement is not received via the broadcaster (added to signal by a party other than the broadcaster of the signal). However, claim 7 of '603 does not recites a controller that compares the one or more announcements to a filter record and that alters a presentation when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record.

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Kwoh discloses a system comprises parental control device 40. Authorized user such as parent can enter rating level, programs identifier, channels, time, length, etc. of program to be blocked. The entered information is stored in RAM 84 in command controller 36 of parental control device 40. Program video signals and announcements (rating data, program identifier, data packets, etc.) are received via signal source input 39. The announcement is compared to the information stored in RAM 84; if the comparison is matched, the unacceptable data is blocked (figures 1-6 and col. 1, line 65). Thus, Kwoh teaches a controller (command controller 36) that compares the one or more announcements (data packets, rating level, etc.) to a filter record (data stored in RAM 84) and that alters a presentation (block unacceptable data) when the comparison of the one or more announcement to the filter record indicates a correspondence between the one or more announcements and the at least one user preference for altering the presentation in the filter record. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Flavin to use the teaching as taught by Kwoh in order to allow parent to control data displayed to children.

With respect to claim 23, the patent claim 6 recites “...means for receiving one or more streams.....said one or more announcements being selectively added to said signal by any of a broadcaster of said signal and a party other than said broadcaster...” (patent claim 7, lines 2-9). Thus, it would have been obvious to one of ordinary skill in the art to modify Patent claim to be more specific in order to obtain the instant claims 23.

Allowance of claims 13,23 would result in an un-warranted timewise extension of the monopoly granted for the invention as defined in claim 7 of patent number 6,005,603. Therefore, the double patenting rejection is justified.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1- 7, 9-26 and 29, 31-36 are rejected under 35 U.S.C. 102(e) as being anticipated by Logan et al. (US 5,892,536).

Regarding claim 1, Logan discloses a segment announcement receiver (figures 1-5) comprising:

a receiver section (12-22,28-38,60-66 – figure 3) that receives one or more announcement (marking signals), wherein each of the one or more announcements corresponds to a content being provided on one or more content streams (col. 7, lines 55-64; col. 8, lines 38-59; col. 9, lines 18-34).

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“a description about said corresponding content in said one or more of the content streams: reads on Logan’s type of content to be edited such as commercial, content topic, etc. (col. 7, lines 1-64);

“a time at with said corresponding content is transmitted on said signal,” reads on the time stamp that includes a start time, stop time of the marking signal (announcement) that describes the beginning, end of the portion of broadcast program for editing (col. 7, lines 1-64); and

“content identifier” reads on the tope code, priority code so the system could identify segment of the broadcast program signal (col. 9, lines 15-34).

Logan further discloses each of the one or more announcements (marking signals) was created by a party (monitor 44, editing station 42, time stamp 48 – figure 3) other than a broadcaster of the one or more content streams (broadcaster broadcasts content streams to antenna 14 – figure 3, col. 5, lines 15-45); and

Logan further discloses a controller (processor 34, database 60, segment processor 62, segment filter 64 – figure 3) that compares the one or more announcements to a filter record (compares marking signals with the topic data signals in database 60) and that alters a presentation of the content stream in accordance with at least one user preference (i.e., topic data signals selected by user) for altering the presentation when the comparison of the one or more announcements to the filter record indicates a corresponding between the one or more announcements and the at least one user preference for altering the presentation in the filter record (col. 8, line 1-col. 10, line 3), wherein the one or more announcements are not received via the broadcaster (the

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marking signals is provided via transmitter 40, which is not received via the broadcaster that broadcast the content streams to receiver 12 – figure 3).

Regarding claim 2, Logan further discloses the description includes a category (topic code), a rating (priority codes), a segment type, etc. (col. 7, lines 55-64; col. 8, line 1-col. 10, line 3).

Regarding claim 3, Logan further discloses the segment announcement receiver further comprises a television (video monitor 32), a video recorder (memory system 18) - figure 3; col. 8, line 60-col. 9, line 25.

Regarding claim 4, Logan further discloses the presentation is a television (video monitor 32), a video recorder (memory system 18) – figure 3, col. 8, line 60-col. 9, line 25.

Regarding claim 5, Logan discloses a segment announcement receiver (figures 1-5) comprising:

a first receiver section (12,16,18,28) that receives one or more content streams (broadcast programming signal) on a content carrier signal (figure 3, col. 5, lines 15-55);
a second receiver section (38) that receives one or more announcements (marking signals), the one or more announcements created by a party (editing station 42) other than a broadcaster of the one or more content streams (broadcaster of television

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programming signal received by receiver 12) – figure 3, col. 6, line 46-col. 7, line 64). “a description about said corresponding content in said one or more of the content streams: reads on Logan’s type of content to be edited such as commercial, content topic, etc. (col. 7, lines 1-64);

“a time at with said corresponding content is transmitted on said signal,” reads on the time stamp that includes a start time, stop time of the marking signal (announcement) that describes the beginning, end of the portion of broadcast program for editing (col. 7, lines 1-64); and

“content identifier” reads on the tope code, priority code so the system could identify segment of the broadcast program signal (col. 9, lines 15-34).

Logan further discloses each of the one or more announcements (marking signals) was created by a party (monitor 44, editing station 42, time stamp 48 – figure 3) other than a broadcaster of the one or more content streams (broadcaster broadcasts content streams to antenna 14 – figure 3, col. 5, lines 15-45); and

Logan further discloses a controller (processor 34, database 60, segment processor 62, segment filter 64 – figure 3) that compares the one or more announcements to a filter record (compares marking signals with the topic data signals in database 60) and that alters a presentation of the content stream in accordance with at least one user preference (i.e., topic data signals selected by user) for altering the presentation when the comparison of the one or more announcements to the filter record indicates a corresponding between the one or more announcements and the at least one user preference for altering the presentation in the filter record (col. 8, line 1-col. 10, line 3),

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wherein the one or more announcements are not received via the broadcaster (the marking signals is provided via transmitter 40, which is not received via the broadcaster that broadcast the content streams to receiver 12 – figure 3).

Regarding claim 6, Logan discloses a segment announcement system (40,42,44,48 – figures 1-5) comprising:

an analyzer (col. 6, line 52-col. 7, line 64) that analyses a content of one or more content streams;

an announcement generator (editing station 42 – col. 7, lines 1-64) that creates an announcement (marking signals) containing a description about the content of one or more of the content streams;

a transmitter section (40-figure 3, col. 7, lines 25-37) that sends the announcement to one or more receivers, the announcement being provided by a party (editing station 42) other than a broadcaster of the one or more content streams (broadcaster that broadcasts television programming signal to receiver 12 – figure 3), wherein each of the receiver comprises:

a controller (processor 34, database 60, segment processor 62, segment filter 64 – figure 3) that compares the one or more announcements to a filter record (compares marking signals with the topic data signals in database 60) and that alters a presentation of the content stream in accordance with at least one user preference (i.e., topic data signals selected by user) for altering the presentation when the comparison of the one or more announcements to the filter record indicates a corresponding between

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the one or more announcements and the at least one user preference for altering the presentation in the filter record (col. 8, line 1-col. 10, line 3), wherein the one or more announcements are not transmitted to the receiver via the broadcaster (the marking signals is provided via transmitter 40, which is not transmitted to the receiver via the broadcaster that broadcast the content streams to receiver 12 – figure 3).

Regarding claim 7, Logan further discloses the analyzer comprises a person (operator at the editing station –col. 6, line 52-col. 7, line 64).

Regarding claim 9, Logan further discloses the announcement (marking signal) further comprises a time associated with the content (col. 7, lines 10-64).

Regarding claim 10, Logan further discloses the announcement (marking signal) further comprises a content identifier (i.e., topic codes that identify segments of the broadcast programming signal – col. 9, lines 15-34).

Regarding claim 11, the closed circuit transmission system is met by Logan's disclosure as follow:

a segment announcer is met by the editing station (40,42,44,48 – figure 3), wherein:
an analyzer and an announcement generator are met by the editing station (figure 3, col. 6, line 52-col. 7, line 64);

a transmitter section is met by communication system 40 (col. 7, lines 25-37);

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a segment announcement receiver is met by devices at the receiver (12-22,28-34,38,60-66 -figure 3) wherein:

a receiver section is met by local communication system 38;

a controller is met by processor 34, database 60, segment processor 62, segment filter 64 (figure 3; col. 8, line 1-col. 10, line 3), wherein the one or more announcements are not sent to the receiver via the broadcaster (the marking signals is provided via transmitter 40, which is not sent to the receiver via the broadcaster that broadcast the content streams to receiver 12 – figure 3).

Regarding claim 12, Logan discloses a process comprising:

providing an announcement by a party other than a broadcaster of a content stream (providing marking signal by editing station which is other than broadcaster that broadcast television programming signal to receiver 12 – figure 3);

receiving the content stream (by receiver 12 – figure 3; col. 5, lines 20-30), the announcement having a description about a content of the content stream (col. 7, lines 1-64);

matching the description to the content (i.e., comparing the topic data signals stored in database 60 with the topic codes provided by the marking signal – col. 9, lines 25-35);

presenting the content in accordance with at least one user preference in a filter record (user's selection stored in database memory 60-col. 9, lines 5-25) when a comparison with the filter record indicates a correspondence between the filter record and the description in the announcement (col. 8, line 1-col. 10, line 3), wherein the

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announcement is not provided via the broadcaster (the marking signals is provided via transmitter 40, which is not provided via the broadcaster that broadcast the content streams to receiver 12 – figure 3).

Regarding claim 13, Logan discloses a segment announcement receiver comprising:
means (IBM PC compatible computer workstation at editing station– col. 7, lines 1-37)
for providing an announcement (marking signal) by a party (editing station) other than a
broadcaster of a content stream;
means (video monitor or VCR or processor or receiver – figures 3-4) for receiving said
content stream, the announcement (marking signal) having a description about a
content of the content stream (col. 7, lines 1-64; col. 9, lines 5-25);
means (operator at the editing station) for matching the description to the content (col.
6, line 52-col. 7, line 64);
means (video monitor 32 – figure 3) for presenting the content in accordance with at
least one user preference in a filter record (user's selection stored in database memory
60-col. 9, lines 5-25) when a comparison with the filter record indicates a
correspondence between the filter record and the description in the announcement (col.
8, line 1-col. 10, line 3), wherein the announcement is not provided via the broadcaster
(the marking signals is provided via transmitter 40, which is not provided via the
broadcaster that broadcast the content streams to receiver 12 – figure 3).

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Regarding claim 14, Logan further discloses video monitor (32) reads on the claimed presenting section; and processors (34,62), database 60, filter 64 read on the claimed controller (figure 3, col. 8, line 1-col. 10, line 3).

Regarding claims 15-17, the additional limitations as claimed correspond to the additional limitation as claimed in claim 14, and are analyzed as discussed with respect to the rejection of claim 14.

Regarding claim 18, Logan further discloses the receiver section receives the announcement via a first communication connection (marking signals are received via local communication system 38) and wherein the content streams are provided on a second communication connection that is separate from the first communication section (television programming signals are received via receiver 12 that is separate from the local communication system 38 – figure 3, col. 6, line 50-col. 7, line 37).

Regarding claims 19-23, the additional limitations as claimed correspond to the additional limitation as claimed in claim 18, and are analyzed as discussed with respect to the rejection of claim 18.

Regarding claim 24, Logan further discloses the receiver section receives the announcement via the Internet (col. 6, lines 33-45) and wherein the content streams are provided on a communication connection (television programming signal are provided

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via antenna 14) that is separate from the Internet (Internet link via local communication system 38) – figure 3, col. 5, lines 19-29.

Regarding claim 25, Logan further discloses the receiver section receives the announcement via a telephone network (PSTN- col. 6, lines 33-45) and wherein the content streams are provided on a communication connection (television programming signal are provided via antenna 14) that is separate from the telephone network (telephone link via local communication system 38) – figure 3, col. 5, lines 19-29.

Regarding claim 26, Logan further discloses the content streams are provided on one of a cable television network, a television airwave broadcast and a satellite network (broadcast television signals are provided via cable, satellite – col. 5, lines 21-30) and wherein the receiver section receives the announcement via connection that is completely independent of the one or a cable television network, a television airwave broadcast and a satellite network (marking signals are received via local communication system 38 that is completely independent of the communication network via receiver 12 – figure 3).

Regarding claim 29, Logan further discloses the receiver section receives the announcement via a data network (via modem) and wherein the content streams are provided on a communication connection (connection via receiver 12) that is separate from the data network (figure 3; col. 5, lines 20-27; col. 6, lines 34-45).

Regarding claim 31, Logan further discloses alternating the presentation of broadcast signals such as presenting the broadcast signal without accompanying audio track (col. 2, lines 39-55) broadly met on the claimed feature of presenting the content comprises turning the sound of a presentation device off.

Regarding claim 32-36, the additional limitations in each claim correspond to the additional limitations as claimed in claim 31, and are analyzed as discussed with respect to the rejection of claim 31.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US 5,892,536) as applied to claim 7 above, and further in view of Menard et al. (US 6,061,056).

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Regarding claim 8, Logan teaches a system as discussed in the rejection of claim 7.

Logan further discloses an IBM PC compatible computer workstation executes a computer program that configures the workstation into the editing station 42 – col. 7, lines 1-10). However, Logan does not explicitly disclose an electronic signal processor includes video image process that queries by image content.

Menard et al. discloses a system for automatically monitoring broadcast, such as television broadcasts, and detecting content of particular interest to individual viewer comprising video capture 9, closed caption capture 10 and audio capture 11 wherein the video or audio or closed caption of the television were captured and compared to the stored data. If the captured data matches the stored data, the receiver receives an alert that indicate on the screen. If a display has been requested, unit 417 cause unit 418 to start displaying the video, audio and closed caption (see figures 1 and 5).

Necessarily, Menard et al. teaches the electronic signal processor includes video image processor that queries by image content. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan to use the teaching as taught by Menard et al. in order to capture the data automatically thereby reduce labor cost at the editing station.

7. Claim 8 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US 5,892,536) as applied to claim 7 above, and further in view of Fernander et al. (US 6,697,103).

Regarding claim 8, Logan teaches a system as discussed in the rejection of claim 7. Logan further discloses an IBM PC compatible computer workstation executes a computer program that configures the workstation into the editing station 42 – col. 7, lines 1-10). However, Logan does not explicitly disclose an electronic signal processor includes video image process that queries by image content.

Fernander teaches the electronic signal processor includes video image processor that queries by image content (controller 6 includes module visual 168 serves object image queries and attempt to recognize, retrieve from image database... (col. 16, lines 52-67). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan to use the teaching as taught by Fernander et al. in order to capture the data automatically thereby lower cost and improve accuracy in image (object) monitoring (col. 5, lines 52-60).

8. Claims 27-28 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US 5,892,536) as applied to claim 1 above, and further in view of Birdwell et al. (US 6,108,706).

Regarding claim 27, Logan teaches a receiver as discussed in the rejection of claim 1. Logan further discloses the communication system 38 includes a telecommunication

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system for transmitting marking signal (col. 6, lines 34-45). However, Logan does not specifically disclose receiving announcement via a radio broadcast.

Birdwell teaches receiving announcements of a television programming signals via a second link such as radio network (col. 2, lines 6-15; col. 4, lines 10). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan to use the teaching as taught by Birdwell in order to provide the announcement to radio listener.

Regarding claim 28, Logan teaches a receiver as discussed in the rejection of claim 1. Logan further discloses the communication system 38 includes a telecommunication system for transmitting marking signal (col. 6, lines 34-45). However, Logan does not specifically disclose receiving announcement via a satellite broadcast.

Birdwell discloses unidirectional network includes satellite network (col. 3, lines 26-35) and receiving announcements via unidirectional network (e.g. paging, radio network, and cellular network) that is independent of the primary broadcast network (col. 4, lines 5-10; lines 36-39). Inherently, the announcement is received via a satellite broadcast. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan to use the teaching as taught by Birdwell in order to provide quickly provide announcement to users.

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Regarding claim 30, Logan teaches a receiver as discussed in the rejection of claim 1.

Logan further discloses the communication system 38 includes a telecommunication system for transmitting marking signal (col. 6, lines 34-45). However, Logan does not specifically disclose receiving announcement via physical transport of a storage media.

Birdwell teaches receiving announcements via physical transport of a storage media (storage at publicly accessible site on the network -col. 2, lines 12-17). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Logan to use the teaching as taught by Birdwell in order to provide flexibility in time to access the announcement.

Conclusion

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Son P. Huynh whose telephone number is 571-272-7295. The examiner can normally be reached on 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher C. Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SPH
September 26, 2005

A handwritten signature in black ink, appearing to read 'Christopher Grant', is positioned above the printed name.

**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**